



U.S. Department of Justice

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May 25, 2006

VIA FIRST CLASS MAIL

Henry L. Penick, Esq.
H.L. PENICK & ASSOC., P.C.
P.O. Box 967
Birmingham, AL 35201-0967

Re: Windsor v. Harvey
Civil Action #: 01:05-cv-1196-MEF

Dear Mr. Penick:

It has come to my attention that we have not exchanged initial disclosures in this matter. Enclosed is a list of exhibits currently available to me, the most of which are not privileged or otherwise non-discoverable. These are available in my office at your convenience, or feel free to call me and we can work out getting them copied. Also attached is a list of potential witnesses that may have discoverable information to support our claims and defenses. Needless to say, we have no computation of damages nor is there any insurance available to satisfy any judgment against us.

I would appreciate your initial disclosures in this matter as soon as convenient.

If you have any questions, or if I may be of any assistance, please do not hesitate to contact me.

Sincerely,

FOR THE UNITED STATES ATTORNEY
LEURA G. CANARY

R. Randolph Neeley
Assistant United States Attorney

Enclosures

EXHIBIT LIST

Ruthie L. Windsor v. Francis J. Harvey, Secretary of the Army , No.
1:05CV1196-B, filed in U. S. District Court, Middle District of
Alabama

- A.EEOC Decision, September 12, 2005
- B.Agency Brief in Opposition to Complainant's Appeal, May 19, 2005
- C.Complaint's Appeal to EEOC, April 20, 2005
- D.Final Agency Decision, March 21, 2005
- E. .Administrative Judge's Decision and Letter to Agency, March 9, 2005
- F.Complainant's Opposition to Agency's Motion for Summary Judgment
February 3, 2005
- G. Agency Motion for Summary Judgment, January 14, 2005
- H.Stipulation of Undisputed Facts, January 12, 2005
- I. ...Drafts & Correspondence Regarding Stipulation of Undisputed Facts
January 2005
- J.Agency Letter to Complainant's Attorney Re Discovery Responses
December 29, 2004
- K.Agency Response to Complainant's Discovery Request
December 14, 2004
- L. E-mail, Re Complainant's Discovery Request, December 6, 2004
- M. Letter to Complainant's Attorney Re Complainant's Discovery Request
December 3, 2004
- N.CPAC Response to Discovery Tasking, December 3, 2004
- O.Complainant's Witness List, November 30, 2004
- P.Complainant's Itemization of Compensatory Damages
November 30, 2004
- Q.Complainant's Response to Agency Interrogatories
November 30, 2004
- R.Complainant's Combined Request for Production of Documents
And Interrogatories, November 12, 2004

S.E-mail Re Complainant's Discovery Request, November 22, 2004

T.E-mail to Administrative Judge, November 1, 2004

U.Agency Request for Production of Documents and Agency Request
for Response to Written Interrogatories, October 29, 2004

V.Complainant Designation of Representative, November 2, 2004

W.EEOC AJ Acknowledgement and Order, October 22, 2004

X.Transmittal Letter of File to EEOC AJ, October 15, 2004

Y.Complainant's Request for EEOC Hearing, September 21, 2004

Z.Transmittal Letter of Investigative File to Complainant's
Attorney, September 2, 2004

AA.Compliance Report, September 2, 2004

BB.OCI Investigative File, August 30, 2004

CC.Compliance Report, August 4, 2004

DD.Amendment of EEO Complaint, July 7, 2004

EE.Compliance Report, June 28, 2004

FF.COL Cripps Affidavit, June 17, 2004

GG.Designation of Representative, June 16, 2004

HH.Notice of Investigation, June 14, 2004

II.Draft of COL Cripps Affidavit and Related Correspondence
June 9, 2004

JJ.OCI Notice of Hearing, June 8, 2004

KK.Compliance Report, June 7, 2004

LL.Transmittal Letter, Complaint File, May 6, 2004

MM.Complainant's Itemization of Damages, May 5, 2004

NN.Compliance Report to EEOC, May 4, 2004

OO.OCI Letter Accepting Complaint for Investigation, April 28, 2004

PP.Complaint Acceptance Letter, April 21, 2004

QQ.Request for Assignment of Investigator, April 21, 2004

RR.Letter from EEOCCRA Re OFO Remand, April 14, 2005

SS.OFO Remand, April 5, 2005

TT.E-mail Traffic Re Complainant's Annual Evaluation
March 6 - May 16, 2003

UU.Agency Brief In Opposition to Complainant's Appeal
January 28, 2003

VV.EEOCCRA Tasking for Response to Complainant's Appeal
January 21, 2003

WW.Complainant's Appeal of Agency Dismissal, December 7, 2002

XX.Dismissal Decision, November 8, 2002

YY.Letter of Receipt of Complaint, October 21, 2002

ZZ.Formal Complaint of Discrimination, October 21, 2002

AAA.Complainant's Response to Agency Opposition, October 15, 2002

BBB.Agency's Opposition to Appellant's Comments/Opposition Brief
Dated 12 September 2002 and 21 September 2002, October 7, 2002

CCC.Agency's Opposition to Appellant's Comments/Opposition Brief
Dated 12 September 2002 and 21 September 2002 (with Attachments)
October 7, 2002

DDD.SF-50 Reassigning Complainant to New Position Description
October 8, 2002

EEE.E-mail Re Complainant's Reassignment, October 7, 2002

FFF. Letter to Complainant's Attorney Re Final Interview, October 4, 2002

GGG.EEO Counselor's Report, October 4, 2002

HHH.E-mail Traffic Regarding Informal Complaint, October 2, 2002

III.Proposed Dismissal for Failure to Cooperate, September 26, 2002

JJJ.Complainant's Allegation of Noncompliance, September 21, 2002

KKK.Request for Personnel Action, Reassignment to New PD
September 16, 2002

LLL.Letter of Representation, September 10, 2002

MMM.Complainant Letter to OFO (Comments/Opposition Brief)
September 12, 2002

NNN.Memorandum, Assignment to PD EG127165, September 6, 2002

OOO.Addendum to Pre-complaint Intake Interview, September 6, 2002

PPP.Correspondence Regarding Proposed Meeting, September 6, 2002

QQQ.Pre-Complaint Intake Interview and Related Documents
September 4, 2002

RRR.Correspondence Re Classification Advisory, August 26-27, 2002

SSS.EEOCRA's Decision Re Complainant's Third Appeal Alleging
Noncompliance, August 26, 2002

TTT.E-mail Re Classification Advisory, August 23, 2002

UUU.Correspondence and Documents relating to August 20, 2002
Meeting and Attempts to Document the Contents, August 20-23, 2002

VVV. ..Agency's Opposition to Complainant's Third Appeal, August 21, 2002

WWW.E-mail Re Request for Position Description Documentation
August 20-21, 2002

XXX. ...E-mails Re Classification Action, July 02, 2002 - August 14, 2002

YYY.Internal Agency Correspondence Re Complainant's Third Appeal
August 8 & 14, 2002

ZZZ.Complainant's Third Appeal Alleging Noncompliance, July 29, 2002

AAAA.Letter To Complainant Re Request for Documents, July 24, 2002

BBBB.E-mail Re Position Description, June 12, 2002

CCCC.Compliance Report and Related Documents, 4 June 2002

DDDD.E-mail Re Position Description, May 30, 2002

EEEE.EEOC Remand Order, April 30, 2002

FFFF.SF-50, April 24, 2002

GGGG.Agency's Opposition to Complainant's Second Appeal and
Related Documents, January 18, 2002

HHHH.Complainant's Second Appeal of Noncompliance, December 13, 2001

IIII.SF-50, Reassignment, December 6, 2001

JJJJ. ...EEOCRA Decision on Complainant's First Appeal, November 15, 2001

KKKK.Agency's Opposition to First Appeal, October 31, 2001
LLLL.E-mail Traffic Re Classification of Position, October 10-26, 2001
MMMM.SF-50, Extension of Reassignment, October 22, 2001
NNNN.Request for Personnel Action, October 10, 2001
OOOO.Complainant's First Appeal for Noncompliance, October 10, 2001
PPPP. E-mail Traffic Re First Classification Action
May 15 - Sept. 25, 2001
QQQQ.Memorandum Re Classification Action, May 21, 2001
RRRR.SF-50, May 2, 2001
SSSS.SF-1049, April 30, 2001
TTTT.SF-50, April 26, 2001
UUUU.OCI Letter, April 12, 2001
VVVV.Negotiated Settlement Agreement, April 12, 2001
WWWW.Miscellaneous Correspondence with OCI, March 15, April 2, 2001
XXXX.Memorandum for Record Re Detail of Complainant, March 14, 2001
YYYY.Documentation Re Informal Counseling and Processing of First
Complaint, November 2000 - March 2001
ZZZZ.Miscellaneous Documentation Predating Complaint

WITNESS LIST

Witness Name:

Expected Testimony:

1. Ms. Glenda Sammons
Civilian Personnel Advisory Center
Bldg. 5700, Novosel Street
Room 380
Ft. Rucker, AL 36362-5000
(334) 255-9015

Will testify regarding Ms. Windsor's claim that the Agency sent two separate position descriptions to be classified and graded.

2. Ms. Trish Huck
Centers for Disease Control
Atlanta, GA

Will testify concerning the classification and grading of the position description.

3. Mr. Keith Darrow
Director, Operations Office
ATTC
Fort Rucker, AL
(334) 255-8261

Will testify concerning the Agency's compliance with the settlement agreement, actions taken concerning the position description and the performance evaluation

4. Mr. David Cripps
Aviation Eng. Directorate

Office: (256) 313-8440
Office Cell: (256) 755-6951
David.cripps@us.army.mil

Was the commander of ATTC during the relevant time period. Will testify concerning the actions taken regarding the position description and the performance evaluation